

Brookville-Seminary Valley Civic Association, Inc.
P.O. Box 23348
Alexandria, VA 22304

May 4, 2007

Ms. Monica Harvey
State Air Pollution Control Board
Virginia Department of Environmental Quality
629 East Main Street
P.O. Box 1105
Richmond, VA 23218

Re: Comments Regarding VDEQ-Mirant Draft Consent Order, the City of Alexandria's
Draft Order, and 3 Draft State Operating Permits for the Control of SO₂ from Mirant

Dear Ms. Harvey:

In response to the request for public comments recently issued by the State Air Pollution Control Board (the "Board"), the Executive Board of Brookville-Seminary Valley Civic Association, Inc. ("BSVCA") respectfully submits these comments relating to the Draft Consent Order between the Virginia Department of Environmental Quality ("DEQ") and the Mirant Potomac River Generating Station ("Mirant"); the Draft Order of the City of Alexandria (the "City"); and the three (3) proposed Draft State Operating Permits for the Control of Sulfur Dioxide ("SO₂") from Mirant. The BSVCA, which is a non-profit organization comprised of individuals from several hundred households in Alexandria, is very concerned about the adverse health effects of SO₂ emissions from Mirant on the citizens of Alexandria. In light of our concerns, we feel strongly that:

- (1) the issuance of a permit is vastly more preferable than any Order;
- (2) if any Order is issued, it should be the City's Draft Order, because it better protects public health than the DEQ-Mirant Draft Consent Order; and
- (3) any Order must be for a short and defined duration (*e.g.*, 3-4 months), must require that Trona information be collected and reported, and must not allow credit for stack merger.

Our views on these issues are discussed in more detail below.

1. The Issuance of a Permit Is Vastly More Preferable Than Any Order.

We support the issuance of a comprehensive State Operating Permit ("SOP") that addresses compliance with National Ambient Air Quality Standards ("NAAQS"). The three proposed permitting options, while only addressing SO₂ in the interim period, advance the goal of eventually establishing comprehensive emission limits in an SOP. In addition, the three permitting options contain pre-established emission limits that are more prescriptive and provide greater medium-term certainty of compliance with NAAQS for SO₂ than do the City's Draft Order or the DEQ-Mirant Draft Consent Order. As such, we feel that it would be far more beneficial for a permit to be issued than either the City's Draft Order or the DEQ-Mirant Draft Consent Order.

2. If Any Order Is Issued, It Should Be the City's Draft Order.

To the extent that the Board feels that an Order must be issued, it should be the City's Draft Order. In our view, the City's Draft Order better protects public health than the DEQ-Mirant Draft Consent Order.

The DEQ-Mirant Draft Consent Order is unacceptable for numerous reasons. To begin with, we do not believe that the Draft Consent Order is adequately protective of NAAQS. We also feel that the SO₂ emission limits in the Draft Consent Order are too high to be protective of the SO₂ five-minute health-based guideline. In addition, the Draft Consent Order allows an excessive level of NO_x emissions during the ozone season that will further exacerbate air quality problems in Alexandria and the metropolitan Washington area (*e.g.*, the Draft Consent Order's ozone season limit of 1,600 tons will contribute to continuing ozone and fine particulate matter (PM-2.5) problems). Moreover, the Draft Consent Order would permit operation of Mirant in an unorthodox manner using techniques that are prohibited by federal and state regulations (*e.g.*, use of daily predictive modeling and ambient monitoring to establish daily operational levels for Mirant).

In contrast, the City's proposed Draft Order specifies lower SO₂ emission limits that are based on limited routine modeling and allow for operational flexibility by providing an adequate margin of compliance. The Draft Order also contains provisions relating to both the recording and sharing of five-minute SO₂ data, as well as a lower trigger level at which operations must be reduced. Moreover, the Draft Order specifies an ozone season NO_x limit of 1,019 tons which is the same as the limit DEQ specified in its draft operating permit in 2004. Put succinctly, the Draft Order because it strikes a balance between a reasonable compliance margin for Mirant and a reasonable assurance of air quality compliance.

3. Any Order Must Be for a Short Duration, Must Require That Trona Information Be Reported, and Must Not Allow Credit for Stack Merger.

It is our understanding that the primary purpose of any consent Order is to address operations during the month of June 2007 when the EPA's Administrative Consent Order ("ACO") would have expired and the two new 230 kV transmission lines would not yet be in service, and that the secondary purpose of any consent Order is to allow DEQ adequate time to prepare a permit. Therefore, we believe that any Order should be for a short duration (*i.e.*, no more than 3-4 months) to both allow Mirant to operate under a regulatory regime after the EPA's ACO expires on June 1, 2007, and to allow DEQ adequate time to issue a prescriptive permit.

We also feel strongly that any Order should mandate that Trona information be collected and reported. This requirement is warranted because of the potential adverse health affects that may result from the use and disposal of Trona. To date, no health studies have been published regarding exposure to this compound, although we understand that the Virginia Department of Health ("DOH") is currently undertaking such a study. In the meantime, it is essential that Mirant collect and maintain data on the quantity of Trona used on an hourly basis for each boiler and provide these records to the City, DEQ, and DOH for review and analysis. We further recommend that the Order require

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Mirant to perform a post-Trona fly ash analysis that would include, among other things, particle size distribution elemental analysis, pH, corrosivity and leachability, and report these data to the City, DEQ and DOH for review and analysis.

Finally, the stack merger, as proposed by Mirant, is a prohibited dispersion technique under federal and state regulations. While the EPA is currently evaluating this issue and has not made a determination, the proposed Draft Consent Order appears to allow the proposed stack-merge project to proceed by allowing dispersion credit from that project. Given that Mirant's proposed schedule for implementing the stack merge is Fall 2007 or later, this provision serves to both delay the issuance of a permit and establish high emission limits prohibited by law. Accordingly, any Order that is issued must not allow credit for stack merger.

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Your consideration of the BSVCA's comments is greatly appreciated. If you have any questions regarding our comments, please do not hesitate to contact us at kathleen.burns@bsvca.net or geoff.goodale@bsvca.net.

Respectfully submitted,



Kathleen Burns, President
Geoffrey M. Goodale, First Vice President
Brookville-Seminary Valley Civic Association, Inc.

cc: The Honorable Timothy M. Kaine
The Honorable Patricia S. Ticer
The Honorable Brian J. Moran
Mayor William D. Euille
Vice Mayor Andrew H. Macdonald
Councilman Ludwig P. Gaines
Councilman K. Rob Krupicka
Councilman Timothy B. Lovain
Councilwoman Del Pepper
Councilman Paul C. Smedberg